

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

DORA MCNAIL )  
                  )  
                  Plaintiff, )  
v.                 )  
                  )  
KANSAS CITY PUBLIC SCHOOLS, )              Case No. 4:18-cv-1004-FJG  
                  )  
                  )  
                  Defendant. )

---

**PLAINTIFFS' RESPONSE TO SHOW CAUSE ORDER, AND  
NOTICE OF SETTLEMENT**

Dora McNail (“Decedent Plaintiff”) hereby files her response to this Court’s February 25, 2019, Order to Show Cause [ECF No. 6] “failure to file proposed discovery plan and scheduling order” and respectfully states as follows:

1. The Plaintiffs’ failure to submit a proposed discovery plan and scheduling order was a result of an inadvertent error compounded by Plaintiff’s untimely death and the settlement that needs to be formalized between the parties.
2. Nimrod Chapel, Jr., lead counsel for the decedent, was not included as an attorney of record and had no prior notice of pleadings in this matter and specifically that responses and filings were due as a result of the Court’s order. An appropriate Entry of Appearance and Motion for Withdrawal have now been entered.
3. Plaintiff, Dora McNail died during the pendency of the litigation and an estate is being opened and awaits the naming of a personal representative. Counsel has spoken with the attorney opening the estate and will file the appropriate motion requesting the appointment of Dora McNail’s husband as Personal Representative.

4. As a result of extended good faith negotiations and efforts to resolve the issues in this case by the parties between counsels, the parties have come to an agreement in resolution of the claims in this case and await the completion of the resolution. Lead counsel mistakenly understood that settlement of the matter had been communicated to the Court, but did not do so directly.

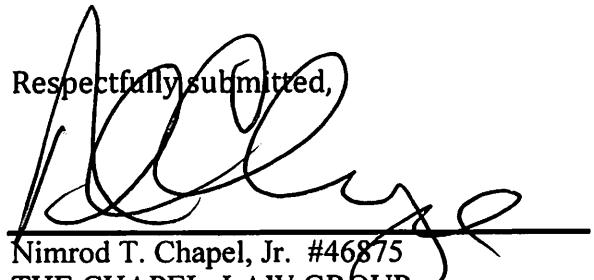
5. Plaintiffs will continue to work diligently to ensure proper responses to the Court and that all notices regarding settlement are delivered promptly and directly to the Court.

6. No discovery is necessary at this time due to the pending resolution of the case.

7. Plaintiff would ask that the parties be allowed to file a joint status report in 45 days if this case is still pending at that time.

WHEREFORE, Plaintiffs respectfully request that this Court accept Plaintiffs' Response to Show Cause as responsive to the Filing of a Proposed Scheduling Order and Discovery Plan without further action and await dismissal of this case as soon as practicable by the Plaintiffs.

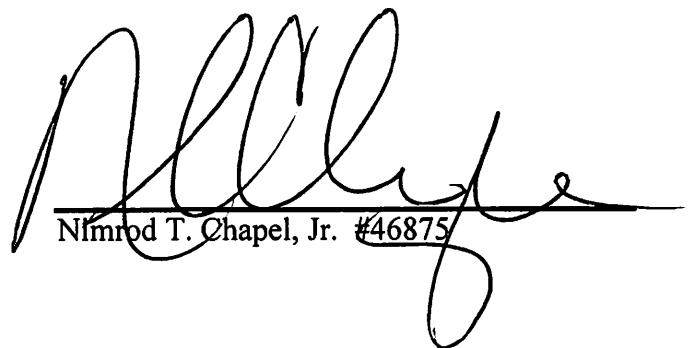
Respectfully submitted,



Nimrod T. Chapel, Jr. #46875  
THE CHAPEL LAW GROUP  
Post Office Box 1963  
Jefferson City, Missouri 65102  
Phone: 573-634-8884 / Fax: 573-635-6291  
Email: [nimrod@chapellaw.com](mailto:nimrod@chapellaw.com)  
Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on March 7, 2019, I electronically filed the foregoing with the Clerk of the Court using the Court's CM/ECF system, which sent notice of same to parties on record.



Nimrod T. Chapel, Jr. #46875

A handwritten signature in black ink, appearing to read "Nimrod T. Chapel, Jr." followed by a number. The signature is fluid and cursive, with a horizontal line underneath it containing the typed name and number.